

022304  
10281 US PTO

**REQUEST FORM AND FORMALITIES PRELIMINARY AMENDMENT FOR  
FILING A PATENT APPLICATION UNDER 37 C.F.R. 1.53(b)**  
Submit an original and a duplicate for fee processing

17497 U.S.PTO  
10/783512

022304

THIS APPLICATION:		PRIOR APPLICATION:		TOTAL NO. OF PAGES
DOCKET NUMBER	FILING DATE	EXAMINER	ART UNIT	
P65775US2	February 23, 2004	E. M. Huang	1625	34

Address to: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a request for filing a [X] continuation or [ ] divisional application under 37 C.F.R. 1.53(b) of prior application Serial No. 10/103,733 filed on March 25, 2002, entitled TETRAHYDROPYRIDOETHERS by the following inventor(s).

	Family Name	First Given Name	Second Given Name
Full Name of Inventor	SENN-BILFINGER	Jörg	
	City	State or Foreign Country	Country of Citizenship
Residence & Citizenship	Konstanz	Germany	Germany
	Post Office Address	City	State & Zip Code/ Country
Post Office Address	Säntisstraße 7	Konstanz	Germany 78464

[ ] additional sheet(s) with inventors information attached

1. [ ] A Second Preliminary Amendment is enclosed.
2. [ ] Cancel claim(s) \_\_\_\_\_ for purposes of lessening filing fees.

The filing fee is calculated on the basis of the claims existing in the prior application as amended by 1 and/or 2 above.

**CLAIMS**

Basic Fee		\$385	\$770
Total Claims	68 - 20 = 48	x 09 = \$	x 18 = \$864.00
Ind. Claims	4 - 03 = 1	x 43 = \$	x 86 = \$ 86.00
[ ] Multiple Dependent Claims		+145 = \$	+290 = \$
		Total \$	Total \$1720.00

3. [X] The Commissioner is hereby authorized to charge fees under 37 C.F.R. 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

4. [ ] This application is filed under Rule 53(f) and therefore the [ ] Filing Fee [ ] Declaration is not enclosed. All authorization to charge Deposit Account No. 06-1358 for 35 C.F.R. 1.16 fees previously made is revoked.

5. [X] A credit card payment form PTO-2038 in the amount of \$1720.00 is enclosed.

6. [X] Amend the specification by inserting before the first line the sentence:

This is a continuation of application Serial No. 10/103,733 filed March 25, 2002, which in turn is a continuation of application Serial No. 09/582,212 filed July 19, 2000, now Patent No. 6,436,953, which is a 371 of PCT/EP99/06899 filed September 17, 1999.

7. [ ] A verified statement claiming small entity status under 37 CFR 1.9 and 1.27:

a) [ ] was claimed by way of a declaration filed in prior application Serial No. \_\_\_\_\_.

b) [ ] is claimed by way of the attached declaration.

8. [X] Priority of application Serial Nos. 19843504.5 and 98117988.0, filed on September 23, 1998 in Germany and Europe, respectively is claimed under 35 U.S.C. 119.

a) [X] Certified copy is on file in prior application, Serial No. 09/582,212.

9. [X] The prior application is assigned of record to Altana Pharma AG.

10. [X] The Power of Attorney in the prior application is to at least one of the following:

Harvey B. Jacobson, Jr., 20,851; John Clarke Holman, 22,769; Allen S. Melser, 27,215; Michael R. Slobasky, 26,421; Jonathan L. Scherer, 29,851; Irwin M. Aisenberg, 19,007; and William E. Player, 31,409.

a) [X] The power appears in the original papers of the prior application.

11. [X] Petition to extend the life of the above prior application to at least the date hereof

(One box) [ ] is being concurrently filed in  
NOTE:(must be) that prior application.

(X'd) [ ] was previously filed in that application.  
[X] is not necessary.

If a Petition for Extension of Time is necessary and the Petition and/or payment is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge any fees necessary under 37 CFR 1.17 (a)(1)-(5) to Deposit Account No. 06-1358.

12. [ ] New formal drawings are enclosed.
13. [X] Enclosed is a copy of the Information Disclosure Statement (IDS) and PTO 1449 which was filed in Serial No. 10/103,733, filed March 25, 2002 which is relied on for an earlier filing date under 35 U.S.C. 120.
14. [X] Enclosed is a copy of the PTO 892 which issued in Serial No. 09/582,212, filed July 19, 2000 which is relied on for an earlier filing date under 35 U.S.C. 120.
15. [X] Also enclosed is: A new set of claims.

Address all future correspondence to:

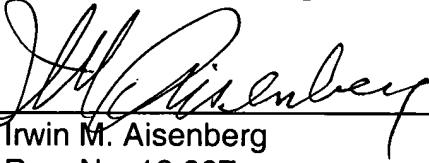
Customer No. 00136  
or  
JACOBSON HOLMAN PLLC  
The Jenifer Building  
400 Seventh Street, N.W.  
Washington, D.C. 20004-2201  
Telephone 202/638-6666

Enclosed is a copy of the prior application including the Declaration as originally filed and a new set of claims, namely Serial No. 10/103,733, filed on March 25, 2002. The entire disclosure of the prior application is hereby incorporated by reference.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

  
Irwin M. Aisenberg  
Reg. No. 19,007

400 Seventh Street, N.W.  
Washington, D.C. 20004  
(202) 638-6666  
Atty. Dkt.: P65775US2  
February 23, 2004

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